

### REMARKS

Claims 1-9 and 12-19 were pending in this Application. Claims 1-9 and 12-19 were rejected. Claims 1, 2, and 14 have been amended in this response. Claims 1-9 and 12-19 remain pending. Applicants respectfully request favorable action.

#### **Rejections under 35 U.S.C. §103(a)**

The Examiner rejected claims 1-9 and 12-19 under Section 103(a) as being unpatentable over Herz *et al.*, U.S. Patent Application Publication No. 2001/0014868 (hereinafter, “Herz”) in view of Roth *et al.*, U.S. Patent No. 6,285,987 (hereinafter, “Roth”).

With regard to Claim 1, Applicants have amended to recite that the user data includes Internet service type data indicative of a type and bandwidth of the user’s Internet service. Support for this amendment is found in the specification at, for example, ¶ [0017], where the Internet service type data is disclosed as being indicative of whether the Internet service is a broadband type or dial-up type.

Applicants submit that claim 1 as amended is patentable over the cited references because the cited references do not teach all of the claim elements. The rejection of claim 1 as previously presented relied on Roth and, more specifically, Roth’s alleged disclosure of customizing content to viewers based upon, among other things, “IP information.” *See*, Office Action at page 3, lines 4-9 (citing Roth, col. 10 lines 38-51). The portion of Roth relied upon to support the rejection of claim 1 as previously presented describes transmitting “Current Viewer Data” to bidding agents where the Current View Data includes, among other things, browser type information and full and parsed domain name information. Roth does not, however, teach or suggest that the IP information might include Internet service type information indicative of the bandwidth of the user’s Internet service.

Because the references cited do not teach or suggest all of the claim elements, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 1.

Regarding independent claims 2 and 14 and their respective dependent claims, Applicants have made amendments analogous to the claim 1 amendment discussed in the preceding paragraphs. For reasons analogous to those discussed above with respect to the claim 1 amendment, Applicants submit that claims 2 and 14 are patentable over the cited references. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejections of claims 2 and 14 and their respective dependent claims.

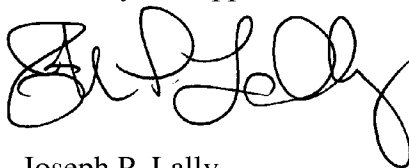
**CONCLUSION**

Applicants believe that this document contains a reply to every ground of objection and/or rejection raised in the Office Action. Applicants respectfully request favorable action for the pending Claims.

Applicants have submitted the requisite fees with this response; however, the Commissioner is hereby authorized to charge any other fees necessary, or credit any overpayment, to the Deposit Account of Jackson Walker L.L.P., No. 10-0096.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.236.2019.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read "J. P. Lally", with a stylized, flowing script.

Joseph P. Lally  
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